

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 25 JUNE 2019
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
John McArthur	Manager Waste & Emergency Management
Ashley Curtis	Manager Civil Services
Chris Janssan	Manager Open Space
Steven Watson	Acting Executive Manager Governance & Performance
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.34pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kaurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land”.

Mayor _____ 23 July 2019

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

142/19

That leave of absence be granted for Cr Chris Grant from 3 July to 27 July 2019.

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 May 2019

Moved Cr Ian Bailey

S/- Cr Linda Green

143/19

That the minutes of the Ordinary Council meeting held on 28 May 2019 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2 Special Council Meeting – 4 June 2019

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

144/19

That the minutes of the Ordinary Council meeting held on 4 June 2019 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Material Conflict of Interest, Cr Nathan Daniell, Item 11.1 Internal Review Investigator, Shannons Adelaide Rally Support for Road Closure decision

Under Section 74 of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material Conflict of Interest in Item 11.1, the nature of which is as follows:

- As Acting Mayor, I originally approved Ray Pincombe as investigator for the Internal Review of Council Decision. There is a reputational risk (personal), pecuniary as there is a direct opportunity for a person to suffer a gain/loss from the decision.

Cr Nathan Daniell intends to leave the Chamber when this matter is discussed.

5.2 Actual Conflict of Interest, Cr Kirrilee Boyd, Item 8.1.2, Petition Restvale Homes for the Aged Rates Rebate

Under Section 75A of the *Local Government Act 1999* Cr Kirrilee Boyd disclosed an Actual Conflict of Interest in Item 8.1.2, the nature of which is as follows:

- My son is a member of the Mt Lofty Scout Group. I may not be seen to bring an impartial view to the debate, therefore I will leave the chamber.

Cr Kirrilee Boyd intends to leave the Chamber when this matter is discussed.

5.3 Perceived Conflict of Interest, Cr Malcolm Herrmann, Item 12.10, GRFMA Charter

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed an Actual Conflict of Interest in Item 8.1.2, the nature of which is as follows:

- I am a member of the GRFMA Board appointed by Adelaide Hills Council

Cr Malcolm Herrmann intends to participate in discussions and vote when this item is discussed.

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5.4 Material Conflict of Interest, Cr Linda Green Item 19.4, Sale of Land for non payment of rates

Under Section 74 of the *Local Government Act 1999* Cr Linda Green disclosed a Material Conflict of Interest in Item 19.4, the nature of which is as follows:

- I am declaring a material conflict as one of the properties that we are considering has access through my mother's property and therefore my mother could suffer a loss or gain a benefit. For completeness also, I declare one of the owners of the property is a distant relative.

Cr Linda Green intends to leave the Chamber when this matter is discussed.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom welcomed Ella Brogan from Heathfield High School, who undertook work experience at Council this month.

The Mayor advised Councillors of the two Deputations scheduled for tonight's meeting and one other that was refused for this meeting, as a maximum of 2 deputations are permitted for Ordinary Council meetings under the Code of Practice for Council Meeting Procedures. The Mayor also mentioned the recent South Australian State Budget and the increase in the solid waste levy.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Pomona Road visual & sound pollution

Moved Cr Nathan Daniell

S/- Cr Mark Osterstock

145/19

Council resolves that the petition signed by 20 signatories, concerning Pomona Road Stirling visual and sound pollution, be received and noted.

Carried Unanimously

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8.1.2 Restvale Homes for the Aged Rates Rebate

Cr Boyd previously declared an Actual Conflict of Interest at Item 5.2, but took no action.

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

146/19

Council resolves that the petition signed by 352 signatories, requesting the reinstatement of the rate rebate for Restvale Homes for the Aged at Lobethal, be received and noted.

The Board of Management be advised that Lobethal Homes for the Aged is entitled to a mandatory rebate and that the rate will be at the residential rate, pursuant to the provisions of Sec 161 of the Local Government Act 1999.

Carried Unanimously

Cr Kirrilee Boyd remained in the Chamber and voted in the affirmative.

The majority of persons who were entitled to vote at the meeting voted in the affirmative.

8.1.3 Mylor Fireworks

Moved Cr Mark Osterstock

S/- Cr Nathan Daniell

147/19

- 1. Council resolves that the petition signed by ten signatories, concerning fireworks at Mylor Oval be received and noted.**
- 2. That the organiser of the petition be advised that the Council will consider the matter as part of its consideration of the Festivals and Events Policy, which is currently subject to public consultation.**

Carried Unanimously

8.2 Deputations

8.2.1 Virginia Van Essen, noise issues, Pomona Road Stirling

8.3 Public Forum

Joe Frank re Adelaide Rally

Mark Green re flooding from neighbour's property

Mr Cosintine re noise issues Pomona Road Stirling

Patricia Hoelmer re Mylor Fireworks

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9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1 Use of sprays & fertiliser on agricultural land

Cr Malcolm Herrmann

1. What legislation covers the use of sprays and fertilizers on agricultural land?
2. Where can farmers or residents who live on rural-primary production land find information about the use of sprays and fertilizers?
3. Where can residents report alleged misuse of sprays and fertilizers?

OFFICER'S RESPONSE – Deryn Atkinson, Manager Development Services

The *Agricultural and Veterinary Products (Control of Use) Act 2002* provides the framework for the use of chemicals, including sprays and fertilizers on agricultural land. The Act aims to maximise the economic benefits of using agricultural and veterinary chemicals and fertilisers, while managing the risks of such use in terms of harm to plants, animals, trade, human health and the environment.

The label of a registered agricultural chemical product specifies how the product can be used. The information on the label must be approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

Farmers and residents can obtain information from:

PIRSA Rural Chemicals Operations

Phone: 1300 799 684

E-mail: PIRSA.RuralChemicals@sa.gov.au

Website: www.pir.sa.gov.au/ruralchem

Complaints about the alleged misuse of sprays (including spray drift incidents)

These complaints can be reported with details of the property address to:

Biosecurity SA Rural Chemicals Operations of PIRSA

Phone: 1300 799 684 or email: PIRSA.RuralChemicals@sa.gov.au

Complaints about the odour from the use of large quantities of chicken manure and mushroom compost

These complaints can be reported to Council's Environmental Health Unit via the Council website request system or via telephone, with details of the property address.

These complaints are covered by the *Local Nuisance and Litter Control Act 2016*

www.legislation.sa.gov.au .

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11. MOTIONS ON NOTICE

Cr Nathan Daniell declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 11.1 and left the Chamber.

7.19pm Cr Nathan Daniell left the Chamber

7.19pm Cr John Kemp left the Chamber

11.1 Internal Review Investigator, Shannons Adelaide Rally Support for Road Closure decision

7.21pm Cr John Kemp returned to the Chamber

Moved Cr Mark Osterstock

S/- Cr John Kemp

148/19

I move that Council resolves:

- 1. To cease the current arrangements for the investigation of the Internal Review of the 28 August 2018 Shannons Adelaide Rally Support for Road Closure decision (resolution 196/18) in order to mitigate any perceptions of bias (including apprehension of bias) on the part of the investigator.**
- 2. That the CEO identify, for the Mayor's approval, an appropriate alternative investigator, whether internal or external, to enquire into resolution 196/18 in order to prepare a report to Council as the reviewer of that decision in accordance with the provisions of the *Internal Review of Council Decision Policy*.**

Carried Unanimously

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11.2 Solid Waste Levy Increase

Moved Cr Leith Mudge
S/- Cr Pauline Gill

That Council condemns the State Government for the 40% increase in the solid waste levy announced in the 2019-20 State Budget.

The Levy is currently \$100 a tonne in metropolitan areas, but will rise to \$110 on 1 July 2019, and \$140 on 1 January 2020. In Council's non-metro areas the Levy will rise to \$55 on 1 July, and \$70 on 1 January 2020 (based on 50% of the metro rate). This will raise additional revenue for the State Government of \$14.8 million in 2019-20 and around \$24.9 million per annum from 2020-21 once fully implemented.

This is a huge impost by State Government on Local Government and will put increased pressure on the ratepayers of the Adelaide Hills Council and threaten infrastructure and services provided by Council.

Council condemns the State Government for the hypocrisy in heavily criticising local government for rate increases during the rate capping campaign and then passing on cost increases from the State Government to councils in this way and including putting the projected budget surplus at risk as well as our Long Term Financial Plan.

AMENDMENT

Moved Cr Nathan Daniell
S/- Cr John Kemp

149/19

That the motion be amended to include:

The CEO writes to State Government informing them of the decision and request all additional revenue be used solely to reduce waste going to landfill.

Carried

The Amendment was put and **Carried**.

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SECOND AMENDMENT

Moved Cr Kirsty Parkin
S/- Cr Mark Osterstock

150/19

That the wording be amended to “Council would like to express its deep disappointment to the State Government for the 40% increase” and “Council is deeply disappointed with the State Government for the hypocrisy in heavily criticising local government for rate increases.....”

Carried

Moved Cr Leith Mudge
S/- Cr Pauline Gill

151/19

Council expresses its deep disappointment to the State Government for the 40% increase in the solid waste levy announced in the 2019-20 State Budget.

The Levy is currently \$100 a tonne in metropolitan areas, but will rise to \$110 on 1 July 2019, and \$140 on 1 January 2020. In Council’s non-metro areas the Levy will rise to \$55 on 1 July, and \$70 on 1 January 2020 (based on 50% of the metro rate). This will raise additional revenue for the State Government of \$14.8 million in 2019-20 and around \$24.9 million per annum from 2020-21 once fully implemented.

This is a huge impost by State Government on Local Government and will put increased pressure on the ratepayers of the Adelaide Hills Council and threaten infrastructure and services provided by Council.

Council is deeply disappointed with the State Government for the hypocrisy in heavily criticising local government for rate increases during the rate capping campaign and then passing on cost increases from the State Government to councils in this way and including putting the projected budget surplus at risk as well as our Long Term Financial Plan.

That the CEO writes to State Government informing them of the decision and requests all additional revenue be used solely to reduce waste going to landfill.

Carried Unanimously

The Amendment was put and **Carried**
The Amendment became the Motion
The Motion as amended was put and **Carried Unanimously**

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11.3 Feasibility Study Sturt Valley Road Stirling

Moved Cr Kirrilee Boyd
S/- Cr Kirsty Parkin

That Council Staff prepare a feasibility study including concept plan suitable for public consultation in regards to any options for a walking trail/path on the lower side of Sturt Valley Road, and that an associated budget of up to \$10,000 be added to the 2019-20 Budget to enable necessary surveying and drafting of the concept plan to occur.

AMENDMENT

Moved Cr Mark Osterstock
S/- Cr Pauline Gill 152/19

That the motion be amended to include:

2. **That prior to the aforementioned occurring, a report be prepared for Council on the merits or impediments to a walking trail/path on the lower side of Sturt Valley Road.**

Carried

Moved Cr Kirrilee Boyd
S/- Cr Kirsty Parkin 153/19

1. **That Council Staff prepare a feasibility study including concept plan suitable for public consultation in regards to any options for a walking trail/path on the lower side of Sturt Valley Road, and that an associated budget of up to \$10,000 be added to the 2019-20 Budget to enable necessary surveying and drafting of the concept plan to occur.**
2. **That prior to the aforementioned occurring, a report be prepared for Council on the merits or impediments to a walking trail/path on the lower side of Sturt Valley Road.**

Carried

The Amendment was put and **Carried**
The Amendment became the Motion
The Motion as amended was put and **Carried**

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12. OFFICER REPORTS – DECISION ITEMS

12.1 2019/20 Annual Business Plan Community Consultation Outcomes

Moved Cr Linda Green
S/- Cr Kirsty Parkin

154/19

Council resolves:

- 1. That the report be received and noted**
- 2. To receive the submissions made during the Community (Public) Consultation period in accordance with Section 123(6) of the *Local Government Act 1999***
- 3. To note that the comments and results of the Community Consultation have been considered in finalising the 2019-20 Annual Business Plan.**

Carried Unanimously

12.1.1 Short Adjournment

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

155/19

That the meeting adjourn for a short break.

Carried

8.28pm The Council meeting adjourned

8.36pm The Council meeting resumed

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12.2 2019/20 Annual Business Plan Adoption

8.46pm Cr Herrmann left the Chamber
8.50pm Cr Herrmann returned to the Chamber

Moved Cr John Kemp
S/- Cr Pauline Gill

Council resolves that:

- 1.1 Pursuant to and in accordance with Section 123(6) of the *Local Government Act 1999* ("the Act") and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* and having considered all submissions received, the Annual Business Plan as laid before Council for the financial year ending 30 June 2020 be adopted.
- 1.2 Pursuant to and in accordance with Section 123(7) of the Act and Regulation 7 of the *Local Government (Financial Management) Regulations 2011*, having considered the Budget in conjunction and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2020 as laid before the Council at this meeting, be adopted.
- 1.3 Determination and Adoption of Valuations – 2019-20
 - 1.3.1 Rates assessed on rateable land in the area of the Council will be based on the capital value of land for all rateable land.
 - 1.3.2 Pursuant to Section 167(2)(a) of the Local Government Act 1999 the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council area, be adopted for rating purposes for the financial year ending 30 June 2020, totalling \$10,187,004,200.
- 1.4 Determination of Basis for Differential Rating

Having taken into account the general principles of rating contained in Section 150 of the Act and the requirements of Section 153(2) of the *Local Government Act 1999*, and in order to raise the amount in paragraph 1.2.3, pursuant to Section 152(1)(c) of the *Local Government Act 1999* the Council declares that general rates for the financial year ending 30 June 2020 will consist of two components:

 1. one being based on the value of the land;
 2. the other being a fixed charge

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Pursuant to Sections 153(1)(b) and 156(1)(a) of the *Local Government Act 1999* the Council declares the following differential general rates for the financial year ending 30 June 2020 on rateable property within the Council area, based upon the capital value of the land and varying according to land use categories in accordance with Regulation 14 of the *Local Government (General) Regulations 2013*:

- 1.4.1 On rateable land assigned Category 1, 7, 8 & 9 (Residential, Primary Production, Vacant and Other), a rate of 0.2469 cents in the dollar of the capital value of such land;
- 1.4.2 On rateable land assigned Category 2, 3, 4, 5 and 6 (Commercial and Industrial) a rate of 0.2839 cents in the dollar of the capital value of such land.

1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to Section 152(1)(c)(ii) of the *Local Government Act 1999*, the Council declares a fixed charge of \$652 in respect of all rateable land in the Council area for the financial year ending 30 June 2020.

1.6 Imposition of NRM Levy

In accordance with Section 95 of the *Natural Resource Management Act 2004*, and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council the amount contributed to Regional NRM Boards, the Council declares the following separate rates based upon the capital value of rateable land for the financial year ending 30 June 2020:

- 1.6.1 0.009805 cents in the dollar on all rateable land in the Council area and in the area of Adelaide and Mt Lofty Natural Resource Management Board;
- 1.6.2 0.02536 cents in the dollar on all rateable land in the Council area and in the area of the SA Murray-Darling Basin Natural Resource Management Board.

1.7 Annual Service Charge

Pursuant to Section 155 of the *Local Government Act 1999*, for the financial year ending 30 June 2020 the Council imposes the following annual service charges based on the nature of the service and the level of usage of the service:

- 1.7.1 In respect of all land to which the Council provides or makes available the prescribed services known as:
 - the Woodside Community Wastewater Management System
 - the Woodside Extension Community Wastewater Management System
 - the Birdwood and Mt Torrens Community Wastewater Management System
 - the Kersbrook Township Community Wastewater Management System
 - the Charleston Community Wastewater Management System
 - the Verdun Community Wastewater Management System
 - the Mt Lofty Ward Community Wastewater Management System

an annual service charge of \$864 in respect of land which is occupied and an annual service charge of \$500 in respect of land which is vacant.

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1.8 Rebates

1.8.1 Rate Cap

Pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, the Council has determined to fix a maximum increase in general rates to be charged on any rateable land within its area which constitutes the principal place of residence of a principal ratepayer upon application by the principal ratepayer, in circumstances where:

- the general rates payable for the financial year ending 30 June 2020 exceed the general rates paid in the previous year by 15% or more

and where the increase in general rates is not as a result of:

- (i) improvements made to the property worth more than \$20,000; or
- (ii) a change to the land use of the property since 1 January 2018; or
- (iii) a change in ownership of the rateable property since 1 January 2018;

the amount of any cap being the difference between the amount of general rates in monetary terms imposed for the 2019-20 financial year and the amount of rates in monetary terms (after any rebate was applied) for the 2018-19 financial year plus 15% of those rates.

Principal ratepayers with multiple assessments (such as primary producers) will be entitled to the rate cap only in respect of the assessment containing the principal place of residence of the principal ratepayer.

1.8.2 Primary Production Rebate

Pursuant to Section 166(1)(b) of the *Local Government Act 1999*, Council continues to offer, for 2019-20, upon application, a discretionary Primary Production Rebate of 10% on the differential rate to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property

1.9 Separate Rates

Declaration of Separate rate – Stirling Business Separate Rate

- 1.9.1 Pursuant to Section 154 of the *Local Government Act 1999* for the financial year ending 30 June 2019 in order to raise the amount of \$95,000 to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce in that part of the Council's area comprising rateable land within the precinct known as the District Centre (Stirling) Zone and businesses fronting both sides of Mt Barker Road east of the District Centre (Stirling) Zone to Pine Street, excluding land attributed a land use category 1 (residential) and government owned land, the Council declares a differential separate rate of 0.0995 cents in the dollar on all other land uses based on the capital value of the rateable land within that part of the Council area.

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- 1.9.2 In exercise of the powers contained in Section 158(1)(a) of the *Local Government Act 1999* the minimum amount that is payable by way of this separate rate is \$240 (affecting all properties within the area to which this separate rate applies for which the capital value is below \$241,296).
- 1.9.3 In exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable at \$2,145 (affecting all properties within the area to which this separate rate applies which have a capital value in excess of \$2,155,778).
- 1.10 Payment of Rates
- 1.10.1 That pursuant to the provisions of Section 181 of the *Local Government Act 1999*, the above rates including charges which have been imposed for the financial year ending 30 June 2020 are payable by four equal (or approximately equal) quarterly instalments (unless otherwise agreed with the principal ratepayer), falling due during the months of September and December 2019 and March and June 2020.
- 1.10.2 In exercise of the powers contained in section 44 of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer
- the power pursuant to Section 181(2) of the *Local Government Act 1999* to determine the day on which each instalment falls due in the months specified in part 1.10.1 of this resolution; and.
 - the power pursuant to Section 181(4)(b) of the *Local Government Act 1999*, to enter into agreements with principal ratepayers relating to the payment of rates in any case of hardship or financial difficulty.
- 1.11 Adoption of Rating Policy
- 1.11.1 With an effective date of 1 July 2019, to revoke the 26 June 2018 Rating Policy and adopt the Rating Policy, in Appendix 3 of the 2019-20 Annual Business Plan in Appendix 1 of this report.
- 1.11.2 That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to the effective date.

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1.12 Borrowings

Council resolves to borrow:

- 1.12.1 The sum of \$2.5m for the purpose of funding the 2019-20 Budget.
- 1.12.2 Council authorise the Chief Executive to negotiate and agree the interest rate and any terms and conditions of the borrowing arrangements in accordance with the Treasury Policy as adopted by Council.
- 1.12.3 Council authorises the affixation of the common seal as necessary to give effect to Council's resolutions in this matter and that this be undertaken by the Mayor and the Chief Executive Officer.

1.13 Publication of the 2019-20 Annual Business Plan and Budget

The Chief Executive Officer be delegated the authority to make formatting and minor changes/corrections to the 2019-20 Annual Business Plan and Budget documentation prior to publication.

1.14 Increased Solid Waste Levy

That strategies be developed and provided to Council as part of Budget Review 1 to minimise any impact on the long term financial sustainability of Adelaide Hills Council due to the 40% increase in the Solid Waste Levy.

AMENDMENT

Moved Cr Mark Osterstock

S/- Cr Malcolm Herrmann

156/19

That the Motion be amended to read:

1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to Section 152(1)(c)(ii) of the *Local Government Act 1999*, the Council declares a fixed charge of \$662 in respect of all rateable land in the Council area for the financial year ending 30 June 2020.

1.13 Publication of the 2019-20 Annual Business Plan and Budget

The Chief Executive Officer be delegated the authority to make formatting and minor changes/corrections to the 2019-20 Annual Business Plan and Budget documentation prior to publication including those amendments necessary to reflect the 40% increase in the solid waste levy and the associated changes to the fixed charge.

Carried

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Moved Cr John Kemp
S/- Cr Pauline Gill

157/19

Council resolves that:

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- 1.2 Pursuant to and in accordance with Section 123(7) of the Act and Regulation 7 of the *Local Government (Financial Management) Regulations 2011*, having considered the Budget in conjunction and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2020 as laid before the Council at this meeting, be adopted.
- 1.3 Determination and Adoption of Valuations – 2019-20
 - 1.3.1 Rates assessed on rateable land in the area of the Council will be based on the capital value of land for all rateable land.
 - 1.3.2 Pursuant to Section 167(2)(a) of the *Local Government Act 1999* the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council area, be adopted for rating purposes for the financial year ending 30 June 2020, totalling \$10,187,004,200.
- 1.4 Determination of Basis for Differential Rating

Having taken into account the general principles of rating contained in Section 150 of the Act and the requirements of Section 153(2) of the *Local Government Act 1999*, and in order to raise the amount in paragraph 1.2.3, pursuant to Section 152(1)(c) of the *Local Government Act 1999* the Council declares that general rates for the financial year ending 30 June 2020 will consist of two components:

3. one being based on the value of the land;
4. the other being a fixed charge

Pursuant to Sections 153(1)(b) and 156(1)(a) of the *Local Government Act 1999* the Council declares the following differential general rates for the financial year ending 30 June 2020 on rateable property within the Council area, based upon the capital value of the land and varying according to land use categories in accordance with Regulation 14 of the *Local Government (General) Regulations 2013*:

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1.4.1 On rateable land assigned Category 1, 7, 8 & 9 (Residential, Primary Production, Vacant and Other), a rate of 0.2469 cents in the dollar of the capital value of such land;

1.4.2 On rateable land assigned Category 2, 3, 4, 5 and 6 (Commercial and Industrial) a rate of 0.2839 cents in the dollar of the capital value of such land.

1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to Section 152(1)(c)(ii) of the *Local Government Act 1999*, the Council declares a fixed charge of \$662 in respect of all rateable land in the Council area for the financial year ending 30 June 2020.

1.6 Imposition of NRM Levy

In accordance with Section 95 of the *Natural Resource Management Act 2004*, and Section 154 of the *Local Government Act 1999*, in order to reimburse the Council the amount contributed to Regional NRM Boards, the Council declares the following separate rates based upon the capital value of rateable land for the financial year ending 30 June 2020:

1.6.1 0.009805 cents in the dollar on all rateable land in the Council area and in the area of Adelaide and Mt Lofty Natural Resource Management Board;

1.6.2 0.02536 cents in the dollar on all rateable land in the Council area and in the area of the SA Murray-Darling Basin Natural Resource Management Board.

1.7 Annual Service Charge

Pursuant to Section 155 of the *Local Government Act 1999*, for the financial year ending 30 June 2020 the Council imposes the following annual service charges based on the nature of the service and the level of usage of the service:

1.7.1 In respect of all land to which the Council provides or makes available the prescribed services known as:

- the Woodside Community Wastewater Management System
- the Woodside Extension Community Wastewater Management System
- the Birdwood and Mt Torrens Community Wastewater Management System
- the Kersbrook Township Community Wastewater Management System
- the Charleston Community Wastewater Management System
- the Verdun Community Wastewater Management System
- the Mt Lofty Ward Community Wastewater Management System

an annual service charge of \$864 in respect of land which is occupied and an annual service charge of \$500 in respect of land which is vacant.

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1.8 Rebates

1.8.1 Rate Cap

Pursuant to Section 153(3) and (4) of the *Local Government Act 1999*, the Council has determined to fix a maximum increase in general rates to be charged on any rateable land within its area which constitutes the principal place of residence of a principal ratepayer upon application by the principal ratepayer, in circumstances where:

- the general rates payable for the financial year ending 30 June 2020 exceed the general rates paid in the previous year by 15% or more

and where the increase in general rates is not as a result of:

- (i) improvements made to the property worth more than \$20,000; or
- (ii) a change to the land use of the property since 1 January 2018; or
- (iii) a change in ownership of the rateable property since 1 January 2018;

the amount of any cap being the difference between the amount of general rates in monetary terms imposed for the 2019-20 financial year and the amount of rates in monetary terms (after any rebate was applied) for the 2018-19 financial year plus 15% of those rates.

Principal ratepayers with multiple assessments (such as primary producers) will be entitled to the rate cap only in respect of the assessment containing the principal place of residence of the principal ratepayer.

1.8.2 Primary Production Rebate

Pursuant to Section 166(1)(b) of the *Local Government Act 1999*, Council continues to offer, for 2019-20, upon application, a discretionary Primary Production Rebate of 10% on the differential rate to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property

1.9 Separate Rates

Declaration of Separate rate – Stirling Business Separate Rate

- 1.9.1** Pursuant to Section 154 of the *Local Government Act 1999* for the financial year ending 30 June 2019 in order to raise the amount of \$95,000 to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce in that part of the Council's area comprising rateable land within the precinct known as the District Centre (Stirling) Zone and businesses fronting both sides of Mt Barker Road east of the District Centre (Stirling) Zone to Pine Street, excluding land attributed a land use category 1 (residential) and government owned land, the Council declares a differential separate rate of 0.0995 cents in the dollar on all other land uses based on the capital value of the rateable land within that part of the Council area.

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1.9.2 In exercise of the powers contained in Section 158(1)(a) of the *Local Government Act 1999* the minimum amount that is payable by way of this separate rate is \$240 (affecting all properties within the area to which this separate rate applies for which the capital value is below \$241,296).

1.9.3 In exercise of the powers contained in Section 158(1)(b) of the *Local Government Act 1999* the amount that would otherwise be payable by way of rates in respect of this separate rate is altered by fixing the maximum amount of the separate rate payable at \$2,145 (affecting all properties within the area to which this separate rate applies which have a capital value in excess of \$2,155,778).

1.10 Payment of Rates

1.10.1 That pursuant to the provisions of Section 181 of the *Local Government Act 1999*, the above rates including charges which have been imposed for the financial year ending 30 June 2020 are payable by four equal (or approximately equal) quarterly instalments (unless otherwise agreed with the principal ratepayer), falling due during the months of September and December 2019 and March and June 2020.

1.10.2 In exercise of the powers contained in section 44 of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer

- the power pursuant to Section 181(2) of the *Local Government Act 1999* to determine the day on which each instalment falls due in the months specified in part 1.10.1 of this resolution; and
- the power pursuant to Section 181(4)(b) of the *Local Government Act 1999*, to enter into agreements with principal ratepayers relating to the payment of rates in any case of hardship or financial difficulty.

1.11 Adoption of Rating Policy

1.11.1 With an effective date of 1 July 2019, to revoke the 26 June 2018 Rating Policy and adopt the Rating Policy, in Appendix 3 of the 2019-20 Annual Business Plan in Appendix 1 of this report.

1.11.2 That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to the effective date.

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1.12 Borrowings

Council resolves to borrow:

- 1.12.1 The sum of \$2.5m for the purpose of funding the 2019-20 Budget.**
- 1.12.2 Council authorise the Chief Executive to negotiate and agree the interest rate and any terms and conditions of the borrowing arrangements in accordance with the Treasury Policy as adopted by Council.**
- 1.12.3 Council authorises the affixation of the common seal as necessary to give effect to Council's resolutions in this matter and that this be undertaken by the Mayor and the Chief Executive Officer.**

1.13 Publication of the 2019-20 Annual Business Plan and Budget

The Chief Executive Officer be delegated the authority to make formatting and minor changes/corrections to the 2019-20 Annual Business Plan and Budget documentation prior to publication including those amendments necessary to reflect the 40% increase in the solid waste levy and the associated changes to the fixed charge.

1.14 Increased Solid Waste Levy

That strategies be developed and provided to Council as part of Budget Review 1 to minimise any impact on the long term financial sustainability of Adelaide Hills Council due to the 40% increase in the Solid Waste Levy.

Carried Unanimously

The Amendment was put and **Carried**
 The Amendment became the Motion
 The Motion as amended was put and **Carried Unanimously**

9.25pm Cr Daniell left the Chamber

9.27pm Cr Daniell returned to the Chamber

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12.3 Boundary Reform – Approval to Explore

Moved Cr Mark Osterstock
S/- Cr Ian Bailey

158/19

Council resolves:

- 1. That the report be received and noted.**
- 2. To note that correspondence will be sent to the residents of Woodforde and Rostrevor (in the Council area) inviting them to a community meeting to discuss the boundary reform process and the status of the Campbelltown City Council proposal.**
- 3. That in relation to strategic boundary reform:**
 - a. Approve the engagement of a consultant to undertake a high level review of Council's boundaries to identify boundary reform options.**
 - b. Once the review has been undertaken and boundary reform options identified, that a workshop be held with the Elected Body (confidential if necessary) whereby the outcomes of the subject review can be presented prior to a formal report to council for consideration.**

Carried Unanimously

12.4 Library Services Review

With Leave of the Meeting Item 12.6 was deferred to the adjourned meeting to be held on 2 July 2019.

12.5 Resource Recovery & Recycling Strategy

Administrative Action: John McArthur to include batteries in free drop off and include information on the solid waste levy in the Strategy.

Moved Cr Chris Grant
S/- Cr Leith Mudge

159/19

Council resolves:

- 1. That the report be received and noted.**
- 2. Council adopts the Resource Recovery & Recycling Strategy contained within Appendix 1 of this report.**
- 3. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Strategy prior to being released to the public.**

Carried Unanimously

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12.6 Declaration of Public Road – Houghton Village Green

With Leave of the Meeting Item 12.6 was deferred to the adjourned meeting to be held on 2 July 2019.

12.7 Development Applications Involving Regulated Trees Policy

With Leave of the Meeting Item 12.7 was deferred to the adjourned meeting to be held on 2 July 2019.

12.7.2 Extension of Meeting Time 9.59pm

Moved Cr Linda Green
S/- Cr Nathan Daniell

160/19

That the meeting time be extended for 15 minutes.

Carried

12.8 Public Interest Disclosure Policy Report

Moved Cr John Kemp
S/- Cr Pauline Gill

161/19

Council resolves:

1. That the report be received and noted
2. With an effective date of 01 July 2019, to revoke the 22 March 2016 Whistleblowers Protection Policy and adopt the draft Public Interest Disclosure Policy, as contained in Appendix 1.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 25 June 2019 Public Interest Disclosure Policy prior to the effective date.

Carried Unanimously

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10.01pm Cr Kirsty Parkin left the Chamber

12.9 Delegations Review Report

With Leave of the Meeting Item 12.9 was deferred to the adjourned meeting to be held on 2 July 2019.

12.10 Gawler River Floodplain Management Authority (GRFMA) Charter

With Leave of the Meeting Item 12.10 was deferred to the adjourned meeting to be held on 2 July 2019.

12.11 Status Report – Council Resolutions Update

With Leave of the Meeting Item 12.11 was deferred to the adjourned meeting to be held on 2 July 2019.

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Stormwater Service Levels

With Leave of the Meeting Item 13.1 was deferred to the adjourned meeting to be held on 2 July 2019.

14. MISCELLANEOUS ITEMS

Nil

15. QUESTIONS WITHOUT NOTICE

With Leave of the Meeting Item 15 was deferred to the adjourned meeting to be held on 2 July 2019.

16. MOTIONS WITHOUT NOTICE

With Leave of the Meeting Item 16 was deferred to the adjourned meeting to be held on 2 July 2019.

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17. REPORTS**17.1 Council Member Activities**

With Leave of the Meeting Item 17 was deferred to the adjourned meeting to be held on 2 July 2019.

18. REPORTS OF COMMITTEES**18.1 Council Assessment Panel – 12 June 2019**

Moved Cr Linda Green
S/- Cr Mark Osterstock

162/19

That the minutes of the Council Assessment Panel meeting of 12 June 2019 as distributed, be received and noted.

Carried Unanimously

18.2 Strategic Planning & Development Policy Committee

Nil

18.3 Audit Committee

Nil

18.4 CEO Performance Review Panel

Nil

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19. CONFIDENTIAL ITEMS

19.1 2018 – 2019 Play Space Upgrades – Exclusion of the Public

Moved Cr Linda Green

S/- Cr Mark Osterstock

163/19

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Manager Civil Services, Ashley Curtis
- Manager Open Space, Chris Janssan
- Acting Executive Manager Governance & Performance, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (2018/2019 Play Space Upgrades) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which –

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest;

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

10.08pm Cr Parkin returned to the Chamber

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19.1.1 2018 – 2019 Play Space Upgrades – Confidential Item

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19.1.2 2018 – 2019 Play Space Upgrades – Period of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

165/19

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(d) of the Local Government Act 1999, resolves that an order be made under the provisions of Sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence, but no longer than 6 months.

Pursuant to Section 91(9)(c) of the Local Government Act 1999, that Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

19.2 Lower Hermitage Road Widening Contract – Exclusion of the Public

Moved Cr Ian Bailey
S/- Cr Kirrilee Boyd

166/19

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Manager Civil Services, Ashley Curtis
- Manager Open Space, Chris Janssan
- Acting Executive Manager Governance & Performance, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.2: (Lower Hermitage Road Widening Contract) in confidence.

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The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person/agency/business who supplied the information by disclosing specific quotes and modelling by the tenderer.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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19.2.1 Lower Hermitage Road Widening Contract – Confidential Item

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19.2.2 Lower Hermitage Road Widening Contract – Period of Confidentiality

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

168/19

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.2 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the value of the successful tenderer submission be retained in confidence until the contract is entered into.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

19.3 Land Acquisition Lower Hermitage Road – Exclusion of the Public

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

169/19

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Manager Civil Services, Ashley Curtis
- Manager Open Space, Chris Janssan
- Acting Executive Manager Governance & Performance, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.3: (*Land Acquisition – Lower Hermitage Road*) in confidence.

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The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person/agency/business who supplied the information by disclosing specific quotes and modelling by the tenderer.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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19.3.1 Land Acquisition Lower Hermitage Road – Confidential Item

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19.3.2 Land Acquisition Lower Hermitage Road – Period of Confidentiality

Moved Cr John Kemp
S/- Cr Pauline Gill

171/19

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.3 in confidence under sections 90(2) and 90(3) (d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract, but no longer than 12 months.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

19.4 Sale of Land for non payment of rates – Exclusion of the Public

With Leave of the Meeting Item 19.4 was deferred to the adjourned meeting to be held on 2 July 2019.

Adjournment of Council Meeting to 2 July 2019

Moved Cr John Kemp
S/- Cr Pauline Gill

172/19

That the Council meeting be adjourned to 6.30pm, Tuesday 2 July 2019, at 63 Mt Barker Road Stirling.

Carried Unanimously

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The Council Meeting adjourned at 10.19pm, Tuesday 25 June 2019.

The Council Meeting resumed at 6.34pm on Tuesday 2 July 2019 with the following present:

Members:

Mayor Jan-Claire Wisdom
Councillor Ian Bailey
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Andrew Stratford

Apologies were received from Cr Nathan Daniell, Cr Kirsty Parkin, Cr Kirrilee Boyd

Staff

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Ashley Curtis	Acting Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Dee O'Loughlin	Manager Library & Customer Service
Steven Watson	Acting Executive Manager Governance & Performance
Pam Williams	Minute Secretary

Items up to 12.3 were considered at the Ordinary Council meeting held on 25 June 2019, prior to the adjournment.

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12.4 Library Services Review

Moved Cr Ian Bailey
S/- Cr Pauline Gill

Council resolves:

1. That the report be received and noted.
2. That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, with the Council noting that the budget will need to be carried forward into 2019-20.
3. That a Library Services Strategy be developed during 2019-20.

VARIATION with leave of the meeting

Council resolves:

1. That the report be received and noted.
2. That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, with the Council noting that the budget will need to be carried forward into 2019-20.
3. That a Library Services Strategy be developed during 2019-20.
4. That Council consults with the community on any changes to operating hours and services

AMENDMENT

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

2. That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, at an estimated cost of \$480,000, with the Council noting that the budget will need to be carried forward into 2019-20.

LOST

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The Motion was put.

**Moved Cr Ian Bailey
S/- Cr Pauline Gill**

173/19

Council resolves:

1. That the report be received and noted.
2. That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, with the Council noting that the budget will need to be carried forward into 2019-20.
3. That a Library Services Strategy be developed during 2019-20.
4. That Council consults with the community on any changes to operating hours and services.

Carried Unanimously

12.5 Resource Recovery & Recycling Strategy

This item was considered at the Ordinary Council meeting held on 25 June 2019, prior to the adjournment.

12.6 Declaration of Public Road – Houghton Village Green

**Moved Cr Malcolm Herrmann
S/- Cr John Kemp**

174/19

Council resolves:

1. That the report be received and noted.
2. To declare Allotment 89 in Filed Plan No. 132880 contained in Certificate of Title Volume 5343 Folio 355 being Lot 89 Blackhill Road, Houghton as public road pursuant to Section 210 of the Local Government Act 1999.
3. To authorise the publication of the resolution in the Government Gazette as required by Section 210 of the Local Government Act 1999 to declare the road to be public road.
4. To delegate to the Chief Executive Officer the power to execute the necessary documentation to give effect to this resolution.
5. To approve the write-off of \$5,252 for the outstanding rates on the Land.

Carried Unanimously

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12.7 Development Applications Involving Regulated Trees Policy

Moved Cr John Kemp
S/- Cr Pauline Gill

175/19

Council resolves:

1. That the report be received and noted
2. With an effective date of 9 July 2019, to revoke the 14 June 2016 Development Applications Involving Regulated Trees – Procedures and Delegations Policy and adopt the draft June 2019 Development Applications Involving Regulated Trees Policy.

Carried Unanimously

12.8 Public Interest Disclosure Policy Report

This item was considered at the Ordinary Council meeting held on 25 June 2019, prior to the adjournment.

12.9 Delegations Review Report

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

176/19

Council resolves:

1. That the report be received and noted
2. That, having conducted its quarterly review of Council's Delegations Register, in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

2.1 Revocation

Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

- 2.1.1 *Development Act 1993 and Development Regulations 2008*
- 2.1.2 *Dog & Cat Management Act 1995*
- 2.1.3 *Fences Act 1975*
- 2.1.4 *Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003*
- 2.1.5 *Land & Business (Sale and Conveyancing) Act 1994*

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- 2.1.6 *Liquor Licensing Act 1997*
- 2.1.7 *Local Government Act 1999*
- 2.1.8 *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005*
- 2.1.9 *Real Property Act 1886*
- 2.1.10 *Road Traffic Act 1961 and Authorisations*

2.2 Delegations made under the Local Government Act 1999

2.2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 3, 4, 5, 6, 7, 8, 9, 10 and 11 (each of which is individually identified as indicated below) are hereby delegated this 25th day of June 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation.

- *Development Act 1993 and Development Regulations 2008 (Appendix 3)*
- *Dog & Cat Management Act 1995 (Appendix 4)*
- *Fences Act 1975 (Appendix 5)*
- *Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003 (Appendix 6)*
- *Land & Business (Sale and Conveyancing) Act 1994 (Appendix 7)*
- *Liquor Licensing Act 1997 (Appendix 8)*
- *Local Government Act 1999 (Appendix 9)*
- *Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005 (Appendix 10)*
- *Real Property Act 1886 (Appendix 11)*
- *Road Traffic Act 1961 and Authorisations (Appendix 12)*

2.2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

2.2.3 That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Delegations Register prior to the effective date of adoption.

Carried Unanimously

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Cr Malcolm Herrmann declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.10. Cr Herrmann remained in the Chamber and voted.

12.10 Gawler River Floodplain Management Authority (GRFMA) Charter

Moved Cr Linda Green
S/- Cr John Kemp

177/19

That Council resolves:

1. That the report be received and noted.
2. To authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority Board that the Adelaide Hills Council is supportive of the proposed 2019 Charter.

Carried Unanimously

Cr Malcolm Herrmann voted in the affirmative.

The majority of persons who were entitled to vote at the meeting voted in the affirmative.

7.26pm Cr Grant left the Chamber

7.27pm Cr Grant returned to the Chamber

12.11 Status Report – Council Resolutions Update

Moved Cr John Kemp
S/- Cr Chris Grant

Council resolves:

1. That the report be received and noted
2. The following completed items be removed from the Action List:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 25 JUNE 2019
63 MT BARKER ROAD STIRLING**

Date	Meeting	No	Heading
19/1/2016	Ordinary Council	6a/16	Amy Gillett Bikeway Extension
22/03/2016	Ordinary Council	59/16	Sturt Valley Road reconstruction
27/11/2018	Ordinary Council	297/18	Magarey Road Emergency Services Access
26/02/2019	Ordinary Council	33/19	Electricity Procurement
26/03/2019	Ordinary Council	71/19	Proposed Pome Fest Event
23/04/2019	Ordinary Council	63/19	MON Ban of enclosed yabby nets in SA
23/4/2019	Ordinary Council	76/19	Delegations Review Report
23/04/2019	Ordinary Council	79/19	Adelaide Hills Council Roundabouts
23/04/2019	Ordinary Council	91/19	Appointment of Advisory Group Independent Members - Confidential
7/5/2019	Special Council	99/19	Fees & Charges
7/5/2019	Special Council	101/19	Murray Darling Association Support
28/5/2019	Ordinary Council	108/19	Regional Development Australia funding
28/5/2019	Ordinary Council	114/19	Appointment of Building Fire Safety Committee
28/05/2019	Ordinary Council	117/19	Budget Review 3
28/05/2019	Ordinary Council	118/19	Discretionary Rates Rebate
28/05/2019	Ordinary Council	119/19	Risk Management Policy
28/05/2019	Ordinary Council	120/19	Nomination for Libraries Board SA
28/05/2019	Ordinary Council	130/19	Electricity Procurement - Confidential
4/6/2019	Special Council	133/19	AHRWMA Draft ABP & Budget
4/6/2019	Special Council	138/19	Confidential Items Review

12.11.1 FORMAL MOTION – Status Report, Council Resolutions Update

Moved Cr Mark Osterstock

S/- Cr Ian Bailey

178/19

That the question lie on the table.

Cr Osterstock asked “Do Council Members, in making this decision, who have previously declared a Conflict of Interest, have a Conflict of Interest for this item?”

Carried Unanimously

Administrative Action: Governance to seek legal advice on conflict of interest in relation to the Status Report

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13 OFFICER REPORTS - INFORMATION ITEMS

13.1 Stormwater Service Levels

Moved Cr Bailey

S/- Cr Grant

179/19

Council resolves that the report be received and noted.

Carried Unanimously

14 MISCELLANEOUS ITEMS

Nil

15 QUESTIONS WITHOUT NOTICE

Cr Osterstock – Budget Items

7.39pm Cr Kemp left the Chamber

Cr Herrmann – Local Heritage DAP

7.40pm Cr Kemp returned to the Chamber

Cr Osterstock – State Government Memorandum of Understanding (MOU) with Local Government

Administrative Action – Director Community Capacity to correspond with the LGA seeking information and clarification on a State Government MOU with Local Government to liaise on significant matters affecting the sector.

16 MOTIONS WITHOUT NOTICE

Nil

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17 REPORTS**17.1 Council Member Activities**

Mayor Jan-Claire Wisdom

- 29 May, Launch of Going Smart (Smart Cities) Initiative, Adelaide
- 30 May, Stirling Business Association lunch, Stirling
- 31 May, Oakbank Area School Mural launch for Reconciliation Week, Oakbank
- 11 June, Meeting with resident re Mylor fireworks event, Stirling
- 12 June, Government House Reception for Queen's Birthday, Adelaide
- 12 June, Government House thank you dinner for six Mayors, Adelaide
- 16 June, ALGA State of the Regions Conference, Canberra
- 17 - 19 June, ALGA National Assembly, Canberra
- 22 June, Sri Lankan Adelaide Buddhist Vihara Curry Night Fundraiser, Adelaide
- 24 June, Afternoon tea and briefing with Deputy Premier Chapman and DEW Minister Spiers on recent State Budget and funding for environmental and volunteer projects, Cleland
- 25 June, Opening of STEM centre, Heathfield High School
- 25 June, Monthly Meeting with Josh Teague MP for Heysen, Stirling

Media

- 20 June, Annual Business Plan Mayor's message
- 20 June, AHC Media release re unexpected Solid Waste Levy increases
- 20 June, Courier and Weekender Herald re Solid Waste Levy Increase
- 20 June, ABC re importance of ABC to regional audiences
- 21 June, ABC re importance of ABC to regional audiences
- 21 June, Advertiser re Solid Waste Levy

Cr Malcolm Herrmann

- 3 June, Neighbourhood Watch, Gumeracha
- 13 June, Residents Association, Kersbrook
- 16 June, Torrens Valley Lions Club Handover Lunch, Birdwood

Cr Chris Grant

- 30 May, Adelaide Hills Natural Resources Centre
- 12 June, Lenswood and Forest Range Community Association

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Cr Pauline Gill

- 1 June, Pome Festival, Lobethal
- 6 June, Kersbrook Residents Association meeting
- 12 June, Lenswood Forest Range Progress meeting
- 16-19 June, ALGA NGA19
- 20 June, Woodside Recreation Ground meeting

Cr Leith Mudge

- 1 June, Pome Market, Fabrik (Old Woollen Mill), Lobethal
- 17 June, Biodiversity Strategy Review 2019/24 Community Workshop, Stirling
- 19 June, Stirling Mainstreet Design Guidelines - Info Night and Panel Discussion, Stirling

Cr Linda Green

- 20 May, Kenton Valley Meeting re Kenton Valley War Memorial park
- 30 May, Meeting at Restvale
- 31 May, Meeting with Kenton Valley group

17.2 Reports of Members as Council/Committee Representatives on External Organisations

Mayor Jan-Claire Wisdom

- 3 June Special meeting of GAROC, Adelaide
- 20 June LGA SA Board Meeting, Adelaide

Cr Malcolm Herrmann

- 3 June, Gawler River Flood Management Authority- Audit Committee, Adelaide
- 13 June, Gawler River Flood Management Authority Board meeting, Barossa Council

Cr Linda Green

- 20 June, Waste to energy, East Waste
- 20 June, East Waste meeting

17.3 CEO Report

Andrew Aitken, CEO, will provide a Corporate Update on Council's website.

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Cr Linda Green declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 19.4 and left the Chamber.

7.49pm Cr Linda Green left the Chamber

19.4 Sale of Land for non payment of rates – Exclusion of the Public

Moved Cr Mark Osterstock

S/- Cr Ian Bailey

180/19

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- **CEO, Andrew Aitken**
- **Director Infrastructure & Operations, Peter Bice**
- **Director Development & Regulatory Services, Marc Salver**
- **Director Corporate Services, Terry Crackett**
- **Director Community Capacity, David Waters**
- **Acting Executive Manager Governance & Performance, Steven Watson**
- **Minute Secretary, Pam Williams**

be excluded from attendance at the meeting for Agenda Item 19.1: (Sale of Land for Non-Payment of Rates) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (i) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds that we take place, involving the council or an employee of the council, the disclosure of which could reasonably be expected to prejudice the legal processes required to progress the sale of land.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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19.4.1 Sale of Land for non payment of rates – Confidential Item

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19.4.2 Sale of Land for non payment of rates – Period of Confidentiality

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

182/19

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.4 in confidence under sections 90(2) and 90(3)(i) of the *Local Government Act 1999*, resolves that an order be made under the provisions of Sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the notice for the proposed sale of land is published in a newspaper circulating in the State.

Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, that Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

7.58pm Cr Linda Green returned to the Chamber.

14 NEXT MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 23 July 2019 from 6.30pm at 63 Mt Barker Road, Stirling.

15 CLOSE MEETING

The adjourned meeting closed at 7.59pm.